

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 97-7310

BOBBY SHAW,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; RALPH S. BEARDSLEY;
CHARLES CONDON, the Attorney General of the
State of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Patrick Michael Duffy, District
Judge. (CA-96-317-2-23)

Submitted: March 26, 1998

Decided: April 7, 1998

Before WIDENER and MOTZ, Circuit Judges, and BUTZNER, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Bobby Shaw, Appellant Pro Se. Donald John Zelenka, Chief Deputy
Attorney General, Lauri J. Soles, OFFICE OF THE ATTORNEY GENERAL OF
SOUTH CAROLINA, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997). Appellant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Appellant that failure to file specific, timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellant filed only general, conclusory objections to the magistrate judge's recommendation. As the magistrate judge advised, such general, non-specific objections are not sufficient. See Howard v. Secretary, 932 F.2d 505, 508-09 (6th Cir. 1991); Opriano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1985).

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Appellant has waived appellate review by failing to file specific objections after receiving proper notice. We accordingly deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED